Previous references.

~~Police 99-10~~

1906.

(Police)

File No. 175-9

Serial Nos. 1- 8

Later references.

Police 99-10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1- 8

Part B. for October 1906

SUBJECT.

Return of the residue of gold after analysis to the person from whom it was seized by the Police

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rial No 2	Fr. the Asst. Chemist No 1158 d 28.6.06	
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of gold analysis which will have to be taken up shortly on account of the ruling of the Madras High Court in a recent case of gold stealing.

3. To the same officer No J 3316 d 16.5.07

Calls for a copy of the decision of the Madras High Court.

4 Fr. the same officer

No 1281 d 24.5.07

States that he has written to the offg. State Geologist asking him to kindly secure a copy of the judgment of the Madras High Ct and that he will forward the same on receipt.

5 Fr. the same. No 189 d 8.8.07

Forwards copy of the judgment called for in d 2 & 3, & proposes to frame a method for marking K. gold, and requests to be authorised to refuse any further gold and

if the Govt think that the matter is not of sufficient importance to justify a thorough enquiry as suggested by him.

No 902 to 913 dt/20.10.06

To. The DC of Kolar for communicating to the R.A. members.

The Addl. Chemist
All the magistrates
The Govt Secy
The I.G. of Police and
The Registrar Civil Court

Passing orders that the dishes improperly seized by the Police a matter which rests entirely with the magistracy. They are therefore pleased to direct that whenever seized by the police is sent to the Addl. Chemist for analysis, the residue after analysis shall be returned to the Court by which or to the police officer by whom it was sent.

No J 914 dt 20.10.06

To. The Govt. Secy.

forwards copy of letter no 1189 from the Asst Chemist and requests him to forward his opinion along with those of the D.G. of Police, the Dt of Kolar and the Kolar Mining Board as to whether there is any use in undertaking analyses until steps are taken to distinctly mark Kolar gold by the introduction of a new metal in the process of extraction

No: 915-925 dt 20.10.06

Do. All Dts Magts, D.G. of Police, Stat Geologist & the Registrar H.C. Coorg

Orders that the judgment of the Madras High Court referred to in the letter read above be printed and communicated to all Magts & Police officers for information.

G.R.S. 11] 1906.

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 1757 05-06

FILE HEADING.

Return of the residue of gold after analysis to the person from whom it was seized by the Police.

From

The Agricultural Chemist to the Govt. of Mysore

No. 1158 Dated 28.4.06 Received 7.5.06

Diary No. 12795	Enclos...	Spare Copies.	Serial No. 2

BRIEF ABSTRACT OF LETTER.

Suggests that the consideration of what is to be done with gold residue may be deferred until after the reconsideration of the entire matter of gold analysis which will have to be taken up shortly on account of the ruling of the Madras High Court in a recent case of gold stealing.

NOTES AND ORDERS.

1. Subo. for orders with a draft calling for a copy of the decision of the High Co

hm 5.06
17.

D.S. 12-5-06 SW 14-5-06

2. Put up 14.5.1906

Secy)

NOTES—First sheet.

MGCPB—5,000—18-5-04

G.R.S. 12]

General and Revenue Secretariat.

Police File No. 175 of 1905-06

Serial No.	
3	To The Agricultural Chemist no. J 3216 D/16:5 Calls for a copy of the decision of the Madras High Court.
4	From The Same Officer no. 1281 D/ 24.5.06 States that he has written to the Offg. State Geologist asking him to kindly secure a copy of the judgment of the Madras High Court and forward the same on its receipt that he will 3. May the copy of the judgment be awaited? Further comm.ts is/ promised with a BS. 5-6-06. NR 5-6-06 4. Yes RR 5.606
5	From The Agricultural Chemist no. 189 D/ 8.8.06 Forwards copy of the judgment called for in sl. no. 3; proposes to find out a method for marking Kolar Gold fie Gold; and requests to be authorise to refuse any further gold analys if the Govt. think that the matte is not of sufficient importance to justify a thorough enquiry as suggested by him. S. Subo. for orders BS. 17.8.06. NR 17-8-06 6. This correspondence arose

Serial No.

with a representation made at the Representative assembly last year, ~~by~~ by Messrs C.B. Gopal Rao, M.S. Ramachandra & Mudrachappa (Kolar Municipality) in connection with the delay in analysing gold, and the ~~return of~~ loss sustained by the owners.

The Agricultural Chemist considers that the residue after analysis should be retained by the laboratory as State Property. There seems to be no justification for this. ~~The~~ The proper course would seem to be to return the residue to the Court of the Police officer ~~whose~~ by which (or whom) the gold was sent. The Court would then be enabled to pass suitable orders regarding the disposal of the property.

2. Mr Lehmann raises the further question how to distinctly + unmistakably mark Kolar ~~Go~~ gold. He suggests that some particular metal not used ~~in~~ for the purpose in other mines should be added in the process of stamping by ~~which~~ the presence of which Kolar Gold may be identified. This is a very important, technical question, which

GPB—50,000—23.10.05

erial No.

may with advantage be dealt with in the Govt. Secty.

See 9)

lee
21.8.06.

8. I agree. The matter being of importance, & affecting also the Police Dept, this may be placed before the 2d Councillor in the first instance. The judgment of the Madras High Court deserves being printed & communicated to Dr Bagchi & the Dy Supt of Police —

2d Cr

lee
27.8.06

9. The judgt of the High Court may be printed & communicated to the Magistracy & Police.
As regards the proposal to introduce a new metal into the Composition of the Kolar gold, please invite the opinion of the Mining Board, the Geological Secretary and Dy Supt of Police - also Dy Commr Kolar &c.

10. Until further orders, the results after analysis should be returned to the Court or Police Officers

G.R.S. 12]

General and Revenue Secretariat.

Police File No. 175 of 190 5-6

Serial No.

Who sends the gold for analysis
11. The question whether analysis should be refused is a wide one. The opinions of the Mines Board, Geological Secretary & Govt Assayer may be asked

V/29/8

12 Drafts to be prepared accdgly

Bhe

Please

bee 29-8-06

13 Subd. with two drafts on the above lines

BS. 29.8.06 SN 30.8.06.

~~Two drafts submitted~~ ~~as per the opinion of the~~

14 Three drafts submitted (see). bee 1.9.06

5/9/06. Dewan

bee 10.9.

2176/1097/06

15 Drafts approved by Dewan

CSB 30/9/06

16 Sent

GPB—50,000—23 10-05

G.R.S. 12]

General and Revenue Secretariat.

Police File No. 175 of 1906.

Serial No.	
6.	No. 902-913 Dt 20.10.06 To the D.C. of Kolar for communicating to the R.A. Chem. the Agri. chemist; All Dt Magts. the Geologist Secy. the D.G. of Police & the Registrar, chief Passing orders that the disposal of things seized by the Police is a matter which rests entirely with the magistracy. They are therefore directed to direct that when gold seized by the Police is sent to the Agri. chemist for analysis, the residues after analysis should be returned to the court by which or to the Police Office by which it was sent. No. 911. Dt 20.10.06. To the Geological Secy. Forwards copy of letter No. 189 from the Agri. chem. & requests him to forward his opinion along with those of the D.G. of Police, the D.C. of Kolar & the Kolar mining board as to whether there is any case in undertaking analysis until steps are taken to distinctly mark Kolar gold by the introduction of a new metal in the process of extraction. No. 915-925 Dt 20.10.06. To all Dt. Magts. D.G. of Police, State Geologist & the Registrar chief court. Ordered that the judgment of the Madras High court referred to in the letter read above be printed and communicated to all Magts and Police Officers for information

~~Pol. Dep.~~ Pol. 605 — Jud. 151: No. J2720 Dy. C.L

Gen. Subject no. 53

(Judicial)

File no. 175
SL no. 1

To

(1) ~~The State Geologist~~

(2) The Agricultural chemist

Re Chemical Analysis of gold in Criminal Cases involving (a) delay in the analysis, (b) consequent hardship on the party concerned & (c) largeness of the quantity of gold taken up for the analysis

Reply of Govt:

The delay in the analysis is due to the large number of requisitions received. As much expedition as possible will however be used.

The residue of gold after analysis will be ordered to be returned unless there are any reasons to the contrary which will be enquired into

I am directed to forward the honour to invite his attention to para 2 of the reply of Govt. noted below the representation summarised in the margin, and to request that he will be so good as to submit a report to Govt. as to whether the residue may be returned.

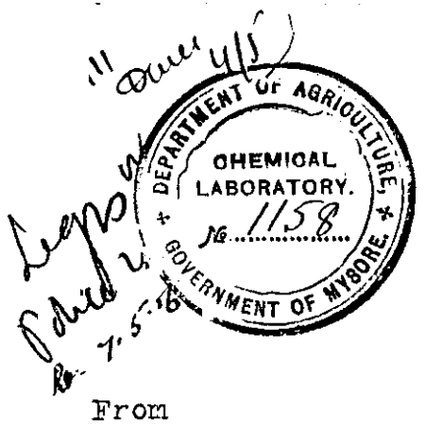
~~Secret~~

By Order,

Secretary.

Geologist's report dt. 2/4/06 received on 2/4/06 Branch III

Issued on 29.3.1906



J 2795

Office of the Agricultural Chemist,
Government of Mysore,
Bangalore, April 28th 1906.

File no. 175
Sl no. 2

From

A. Lehmann, Esquire, M.A., B.S.A., Ph.D.,
Agricultural Chemist to the Government of
His Highness the maharaja of Mysore,

To

B.K.Venkata Varada Iyengar, Esquire,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

In reply to your docket No. J. 2720 dated 4th April 1906 I have the honour to state that the residues from the Gold analysis can, of course, be returned to the person from whom they were seized by the police if Government direct such to be done. But the majority of the Gold samples analysed are in my opinion undoubtedly Kolar Gold Fields Gold and are therefore in my opinion stolen property and although the Courts do not always convict the possessor of such stolen property, for reasons I need not enter into here, the fa remains in my opinion that the great bulk of Gold sent for analysis is stoler property and as such belongs, I believe, to the State. I might further say that no fees are paid for analysing this Gold and a the actual expenses of such an ~~anx~~ analysis are somewhere betwe Rs. 250 and Rs. 400 for each sample of Gold, the gold residues in question are but a very small compensation (about Rs. 60) fc the expenses incurred in the analysis. The entire matter of Gc Analyses will I fear have to be reconsidered very soon chiefly on acc of the ruling of the Madras High Court in a recent gold stealing case and I beg to suggest to defer till their consideration ~~fx~~ of what is to be done with the Gold residues in the future. In the pa

the gold residues have been mixed together and are being used in the Laboratory for investigations in connection with the identification of Koalr Gold.

The only hardship in not returning gold residues arises, so far as I can judge, when gold has been seized from a really innocent person. But, I fear, there are very, very, few of these among the possessors of gold seized by the police for as I have already said there are but few samples sent in by the police for analysis which do not show the marks ~~of Kolar Gold Fields Gold~~ of Kolar Gold Fields Gold. And even the few samples in which we find no indications of Kolar Gold Fields Gold, may be Kolar Gold all the same as the gold loses its characteristic marks after being refined. Nevertheless we might return in future all gold residues about which we are unable to say that they are, in our opinion, Kolar Gold Fields Golds. But I believe Government will agree with me that all persons caught in possession of Kolar Gold Field Gold should not have the privilege of being presented with what is generally admitted to be the property of the Laboratory, for all residues of substances analysed are considered the property of the laboratory making the analysis unless there is a distinct understanding to the contrary. But so far as I can see there is no difficulty, other than the ~~privilege~~ principle involved, in handing back all gold residues in the future. But that is scarcely a very important matter.

I have the honour to be,

Sir,

Your most obedient servant,

A Leiman

Agricultural Chemist.

G.R.S. 26]

Police File No. 17

Serial No. 3

Diary No. of letter replied to _____

No. 9 3216

General and Revenue Secretariat

(Police)

, *the* 190 .

Date of issue 16.6.06

Signed by Mr H. Ramanya

To

The Agricultural Chemist to the Govt of Mysore

His letter no 115 dated the 28th April 1906, suggesting that the consideration of the question of the disposal of ~~what is to be done with~~ gold residue may be deferred until after the reconsideration of the entire matter of gold analyses which will have to be taken up shortly on account of the ruling of the Madras High Court in a recent case of gold stealing.

With reference to

over.

✓ ab 17.6.06

above has the honor to request that a copy of the decision of the High Court of Madras referred to by him may be obtained and forwarded to this office at an early date.

By Order.

14-5-1906

Secretary

SN/14-5-06

List of enclosures.

Copied by 15/5/06.

Examined by, NRC

MGCPB—30,000—16-2-05 ;

111 Secy 285 / Govt Misc

J299.

Office of the Agricultural Chemist,
Government of Mysore,
Bangalore, May 24th 1906.

1287

File no. 175
Sl no. 4

From,

A.Lehmann, Esquire, M.A., B.S.A., Ph.D.,
Agricultural Chemist to the Government of
His Highness the Maharaja of Mysore,

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

In reply to your docket No. J.3216 dated 16th May 1906 I have the honour to say that I have written to the Officiating State Geologist asking him to kindly secure a copy of the judgment of the Madras High Court in regard to a recent case of gold stealing, on May 18th 1906, but have not yet received a reply. As all gold received for analysis still comes through the Geological Department they have all records in regard to the samples. The only records we have are the analytical results of the samples analysed. And not having the necessary records I have been unable to write to the Madras High Court directly.

I may state, however, that in their judgment the Madras High Court hold that the prosecution has failed to establish the fact that the gold in question is Kolar Gold Fields gold. But if I remember the circumstances of the case correctly the analyses can leave no reasonable doubt in the mind of any one who has made a study of the history of the Kolar Gold Fields and is acquainted with the results of the work done in this laboratory, that the gold in question came from the Kolar Gold Fields.

But I shall refer to this matter again when I am forwarding

the copy of the judgment and am only writing now ~~xxx~~ to explain the cause of the delay in sending a copy of the judgment asked for in your letter No. J.3216 dated 16th May 1906.

I have the honour to be,

Sir,

Your most obedient servant,

C. H. Lieuwen

Agricultural Chemist.

9402

file no. 175
sl no. 5

Office of the Agricultural Chemist,
Government of Mysore,
Bangalore, August 8th 1906.

From

A. Lehmann, Esquire, M.A., B.S.A., Ph.D.,
Agricultural Chemist to the Government of
His Highness the Maharaja of Mysore,

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments,
Bangalore.

Dear Sir,

In reply to your docket No. J. 3216 dated 16th May 1906 and subsequent reminder and in continuation of my letter No. 115 of the 19th July 1906 I have the honour to forward herewith a copy of the Judgment of the Madras High Court regarding the Obella Reddi case (sent me by the Kolar Gold Fields Mining Board) in which the accused was found in possession of gold which in the opinion of Dr. Smeeth and Mr. B. Venkata Rau, Assistant Chemist in this department, was Kolar Gold Fields gold.

In their Judgment the High Court of Madras state that the identity of the gold is not sufficiently established to exclude any reasonable doubt of the gold in question having been obtained from a source other than the Kolar Gold Fields, and that furthermore it had not been proven beyond the possibility of doubt that Kolar Gold Fields gold could not legitimately come into the possession of private individuals in India.

I have been under the impression that the impurities in the Mercury used at the Kolar Gold Fields which gives rise to the Tin and Zinc in the gold amalgamated with it were due to the

fact that in former years the tailings had been treated by what is called the pan process and that these tailings were again treated by the cyanide process later on. That if only the pan process or only the cyanide process had been used the mercury would not have become contaminated with Tin or Zinc. Or even if both these processes had been used separately the mercury would have remained pure. That it was only on account of the tailings having been treated by both these processes one after the other in the order named (a very unusual circumstance) that the impurities of Tin and Zinc got into the mercury and from that into the Kolar Gold Fields gold. If this is true the presence of Tin and Zinc in gold would in itself undoubtedly be very strong evidence that the gold came from the Kolar Gold Fields.

But this is only an impression based upon information given me by Dr. Smeeth. I have not yet visited the Kolar Gold Fields, But I hope to do so shortly, and after I have seen them I shall no doubt be in a better position to say in how far my impressions are correct.

But even if my impressions are wrong and the presence of Tin and Zinc can not be taken as evidence that the gold in question is Kolar Gold Fields gold - and in the analyses made up to date I have not found Tin and Zinc in any other than Kolar Gold Fields gold - I am of opinion that it may be possible to add to the mercury used on the Kolar Gold Fields some other metal which will pass into the gold treated with such mercury and stamp that gold as Kolar Gold Fields gold nearly as effectively as a die bearing the name of the Mine would do. Dr. Smeeth and I have made some experiments in this direction. Mr. Cook is also helping in this work. There are still serious difficulties in the way, but these can, I believe, be overcome. But in order to do so considerable analytical work and the hearty cooperation of the Mining Board will be required.

This analytical work would absorb all the time of one of my Assistants for at least six months. But if the plan of marking

the gold in this way should prove a success it would make it comparatively easy to prove the identity of such Kolar Gold Fields gold which had gone through the mill and had not been subsequently refined. It would further prove that it had passed through the mill on a date subsequent to that on which the practice of adding this characteristic metal artificially to the gold had been introduced and would do away with any objection that the gold, although Kolar Gold Field gold, had been sold in India. For I believe no gold is now being sold in India by the Kolar Gold Fields Mines.

The fact that I believe the subject to be an important one is my excuse for writing at this length and if Government are pleased to agree with me that it is an important subject I hope they will order a thorough inquiry to be made into it. And if they do not consider it of sufficient importance to justify such a thorough inquiry I hope they will authorise me to refuse making any further gold analyses as I fear the judgment of the Madras High Court sent herewith will make it difficult if not impossible to obtain a conviction in any gold stealing case outside the Kolar Gold Fields area in which the gold has to be identified unless the inquiry I recommend has been made and has proven a success. To attempt,at present, any prosecution in which the analytical results form part of the evidence must create a wrong impression of the value of analytical results in general, and to make the analyses would incur a heavy but, I fear, useless expenditure.

I have the honour to be,

Dear Sir,

Your most obedient servant,

A. Leland

Agricultural Chemist.

Copy.

In The High Court of Judicature at Madras.

Thursday the 5th day of April

1906.

Present.

The Honorable Mr. Justice Moore

and

The Honorable Mr. Justice Sankara Nair,

Criminal appeal No:414 of 1905.

The Public Prosecutor ... ... Appellant

Obella Reddi ... . Accused.

Appeal under section 417 of the Code of Criminal Procedure against the Judgment of acquittal passed on the accused in Crl. appeal No:37 of 1904 by the Sessions Judge of North Arcot (Calendar case No:32 of 1904 on the file of the Head Assistant Magistrate of North Arcot).

This appeal coming on for hearing on Monday and Tuesday the 19th and 20th March 1906. Upon perusing the Petition of appeal, the Judgments of the Lower Courts and the material records in the case and upon hearing Mr. E. Norton for the Appellant and the arguments of Mr. V. Krishnasamy Iyer the Honorable Mr. L. A. Govinda Raghava Aiyer and Mr. A. Nilakanta Aiyer Vakils for the accused and the case having stood over for consideration till this day the Court delivered the following:-

Judgment.

This is an Appeal presented by the Public Prosecutor against the acquittal by the Sessions Judge of North Arcot of R. Obella Reddi who had been convicted by the Joint Magistrate of Ranipet Sub Division of dishonestly receiving stolen property knowing it to have been stolen (Section 411 I. P. C.) On the 9th June 1903, the

District Superintendent of Police North Arcot searched the house and other buildings belonging to Obella Reddi and found there some bar and sheet gold, a gold bangle and a gold ornament (called Rakadi These articles have been analysed and the result of analysis will be found in Ex. B B C. C. and D. D. The case for the prosecution as put before this Court at the hearing of this appeal is briefly that these articles are shown to have been manufactured out of Kolar gol and that as Kolar gold is not licitly sold in any part of India it should be held that they are stolen property. To prove that the gold is Kolar gold the Prosecution relies on the evidence given by Dr. Smeeth the State Geologist Mysore (18th Prosecution witness). The evidence of this witness as to this question when examined in Chief was as brief as can well be imagined. It was as follows:- "I still adhere to the opinion that the samples of the gold sent to me which I had analysed were of Kolar gold". With the oracular asserti the prosecution was satisfied and it was left to the defence to ascertain the facts and inferences which led the witness to this conclusion. The following table gives the result of the analysis that has been already mentioned.

	Gold	Silver	Copper	Lead	Tin	Iron	Zinc	Nickel & Cobalt
B B (Bar & Sheet)	70.645	20.325	8.720	.079	.029	.141	.028	.01
C.C. (Bangle)	90. 02	9. 68	.137	.031	.0013	.044	"	"
D.D. (Rakadi)	73.907	21.859	4.020	.007	.023	.139	.020	"

The opinion that Dr. Smeeth gives as to these articles is as as follows:- "My opinion as to the gold being Kolar gold is strongest in the case of Ex. B.B. not so strong with Ex. D. D. and a little less strong with Ex. C. C. I am convinced however in the case of each". It is necessary to go through Dr. Smeeth's evidence in some detail and to examine his reasons for arriving at this conclusion. He deposes as follows "In Kolar there are roughly two classes of Gold Milled and Cyanided. The processes of the two are quite distinct. Milled gold is crushed from the quartz and collected on sloping tables with mercury. It is then called Amalgam. The amalgam is squeezed into hard balls and put into furnaces when the mercury is driven off, leaving Sponge Gold.

"Mercury does not contain Zinc ordinarily speaking.

"As a rule then, there will be no zinc in sponge gold, if the mercury used is untained with zinc.

"The tailings from the tables already described are collected in Cyanide vats. They are carried in with mercury in them and run off into boxes containing zinc filings. The gold is thus deposited on the zinc. This would account for the presence of zinc in the Cyanide gold.

"Mercury carried off with the tailings is sometimes used, on being retorted on the tables in the sponge process. Mercury can absorb zinc under certain conditions which I cannot give fully. Mercury take up zinc when the two are heated together. Such mercury would introduce zinc into the milled gold. So the absence of zinc would not prove gold to be non Kolar gold. Its presence would help me to know that it was Kolar gold". He further states that there are 10 or 12 working Gold Companies in Kolar. He has had analysis made by the 17th Prosecution Witness of the gold turned out by 7 or 8 of these Companies About a dozen analysis of sponge gold were made". In those analysis these were variations in the percentages of the impurities. There are records to show that these analysis of sponge gold have been made. The percentage of all the impurities will vary in these analysis. Only one or two analysis have been made of Cyanide gold. The proportions of the impurities found on such analysis will have varied. Records of analysis of Cyanide gold will be in my office". He goes on to depose that he made half a dozen analysis of jewel gold, produced by people who as far as he knew were not Kolar people and that there were records of the analysis of the jewel gold. Not one of these records has been produced. The witness frequently throughout his deposition states that the mere existence of an impurity such as iron would not show that the gold was Kolar Gold. The proportion of it is the essential thing". Again he says "I would not base an opinion on the mere presence of constituents e.g. Tin, lead, nickel or cobalt without regard to proportions The Ex C.C. shows a complex of six constituents found in the proportions usual in Kolar Gold. I see Ex. D.D. There is nothing characteristic in the proportions of silver or copper or lead or tin or any of the consituents there. It is in the presence of all these

constituents excluding silver and copper in the proportions common to Kolar gold that makes me say the gold is Kolar gold. But each proportion individually would not satisfy me that the gold was Kolar gold".

As already pointed out Dr. Smeeth has not produced the records of the analysis of the sponge gold, Cyanide gold and jewel gold that have been made under his orders. There is nothing in the record of the case to show why these papers were not called for. It has however been stated here at the hearing of this appeal that Dr. Smeeth maintained that they were his private property and declined to produ them unless he were paid a fee of ₹500, Dr. Smeeth it will be remarked in the passages from his deposition which have been quoted makes frequent reference to what he terms the proportions in which the several impurities named by him are usually found in Kolar gold. He from first to last has not stated what these proportions are. The case therefore stands thus. The records of the analysis are not produced and the proportions of impurities of which these records are alleged to afford evidence are not stated. Dr. Smeeth has in fact given evidence not as an expert, every statement made by whom has to be sifted and examined with care but has as it were attempted to bore as an infalliable authority whose excathedra utterances the Court is expected to accept blindly without examination or question. It is scarcely necessary to observe that no expert can take up such a position.

Some further points in the evidence of this witness deserve comment. Dr. Smeeth tells us that there are certain proportions of impurities which when found in gold prove it to be Kolar gold. It is clear however that he is not entitled to depose positively that the same impurities may not be found in very similar proportions in other gold. This the following extract from his deposition shows - " I know nothing of Japan gold and little about Californian gold. I have not analysed Californian or other American gold. I will not say that the impurities characteristic of Kolar gold will not be found in another gold. I have not analysed Transvaal gold. I have analysed Australian gold in half a dozen or more cases. Australian Mill gold is the only Mill with which I have compared Kolar Mill gold" A very large quantity of gold is imported into India every year and we see

difficulty in accepting the dictum that the gold used in the manufacture of the bangle and Rakadi produced in this case must be Kolar Gold when that dictum is pronounced by a witness who has not analysed either Transvaal, China, Ceylon or Japan gold. We find on referring to the Statistical Abstract relating to British India fr 1892-93 and 1901-02 that the value of the gold imported into Britis India in the year 1899-1900 from countries in Africa other than Egypt was £.457542 while from Ceylon it was £.472427 from Hongkong £.480540 and from Japan £. 1204146 (vide p.167).

A few of the other arguments advanced by Dr. Smeeth to prove that the gold out of which the articles mentioned is Ex. B B C C an D D were made is Kolar gold may be briefly referred to. He says th he knows of no gold outside Kolar gold in which Nickel and Cobalt a found. They may possibly he states be found in gold that is not Kolar gold but he has never found nickel or cobalt in non Kolar gol It will be remarked that there is no nickel in Ex. C C or D D but that a very small quantity (.01) is to be found in Ex B. B. In Ex B. B. there is a considerable amount of copper (8.720 and two authorities both of which were quoted to Dr. Smeeth in cross examin tion state that nickel is constantly found in commercial copper (vide metals by Bloxam and Huntington Edition of 1894 page 249 and Elementary Text Book of Metallurgy by Humbolt Sexton - Milton of 1903 P. W. 143) Dr. Smeeth expressed his agreement with what is stated in these books.

In a passage from Dr. Smeeth's evidence that has been already quoted he says that the absence of zinc would not prove gold to be non Kolar gold though its presence would help him to know that it w Kolar Gold and an earlier portion of his depositionsis as follows:-

"The percentage of zinc in Ex. B B is characteristic of Kolar gold. If I had to say what kind of gold it was that contained th proportion of zinc, I would say it was Kolar gold. I would not give any opinion as an expert on the single point. The percentage of zi in Ex. B B is a quite usual one in Kolar gold". The Cyanide proce is however it is needless to say not confined to the Kolar Gold Mi but is largely resorted to in other Mines in various parts of the world and it is therefore difficult to understand why Dr. Smeeth

should state that the presence of zinc in gold helps him to know that it is Kolar Gold.

As has been already stated the first proposition on which the case for the appellant rests is that the articles to which Ex. B B C. C. and D. D. relate have been proved to be Kolar gold and the evidence on which Mr. Norton relied at the hearing of this appeal to establish this proposition was that given by Dr. Smeeth. Having gone carefully through that evidence we are for the reasons that we have given not prepared to hold that it can be considered to prove beyond all reasonable doubt so as to justify a conviction in a Criminal Court that the gold is Kolar gold.

The 2nd proposition advanced is that as Kolar gold is not licitly sold in any part of India it should be held that the gold to be found in the articles to which Ex. B B,C C and D D refer is stolen property. Here again the case for the appellant rests virtually on the evidence given by one witness Mr. W. Pritchard (19th Pro. witness the Chief Reduction Officer Kolar Gold Fields. He says that he has held this office for 9 years that gold taken from the Kolar Gold Mines is not allowed to be sold in India that it is sent direct to England where it is refined by Rothschild and other bullion brokers that some quantity of the gold may find its wayback to India but he knows of no such case and that if it does come back it must come in a refined state. He further states that there are ten Mining Companies working in Kolar of which about seven export gold while the other three are not productive at present. He has been connected with the Mysore Gold Mining Company since June 1895 and as far as he is aware the only gold that that Company sold in India during that period was £. 65000 worth of gold sold every month for 6 months to the Bombay Mint in 1900. He addsthat the Tank Block Company is also an exporting Company and has not to his knowledge sold gold in India in his time. This is all the evidence that Mr. Pritchard can give and it is clear that it is quite insufficient to establish the propositon now advanced. Mr. Pritchard can speak only of what has taken place since 1895 and gold was obtained from these Mines for many years prior to that date. It is also palpable that he cannot speak from accurate personal knowledge with respect to any Company other than perhaps the Mysore Gold Mining Company. No attempt has been made to

show what the other Companies do with their gold i. e. whether they export it all to England and if so how many years they have strictly followed such a practice. The Superintendent or other officers connected with these Mines have not gone into the witness box and the their books have not been produced.

As the prosecution has in our opinion failed to prove that the gold found in the premises of R. Obella Reddi when it was searched as contained in the articles to which the certificates Exhibits B B C C and D D refer is Kolar gold or that if it is shown to be Kolar gold it follows that it is stolen property we must dismiss this appeal against the acquittal by the Sessions Judge of North Arcot of R. Obella Reddi of the offence with which he was charged under Section 411 of the Indian Penal Code. It is ordered that all the properties taken from the premises of R. Obella Reddi on the same being searched be returned to him.

Sd./ Arthur Davies

Ag: Dy: Registrar.

Appellate side

(True Copy)

Sd/

Superintendent of Copyists.

18 4w. 13

Fair Draft

G.R.S. 28]

Police **File No.** 175

Serial No. 6

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 190

Date of issue 20-10-1906

Signed by Mr. R. Mathan

READ.—

The Chief Secretary's docket no. I 2720 dated the 4th April 1906, inviting the attention of the Agricultural Chemist in Mysore to para 2 of the reply of ———

ORDER THEREON.—No.

Govt to subject no. 53 of the Representative Assembly Proceedings of 1905 regarding the return of the residue of Sola after analysis ———

——— 2 Letter no 1158 dated

over

SUBJECT

the 28th April 1926, from
the Agricultural Chemist
Mysore, stating that
residues of substances
analysed are generally
considered the property
of the laboratory making
the analysis, but that if
Govt. so direct the
residues may be returned
to the person from whom
the gold was seized by
the Police ..... Under
these Govt. observe that
the disposal of property
seized by the Police is a
matter which rests with
the magistracy. They are
therefore, pleased to direct
that when gold seized
by the Police is sent to
the Agricultural Chemist
for analysis the resi

902–913 dt 20/10/26
Pol 175-05-6

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

after analysis should be returned to the court by which or the Police officer by whom, it was sent.

14/9/06

for Secretary

Print

To

The Dy. Comm. of Kolar for communication to the Representative Assembly members who raised the question

The Agricultural Chemist in Mysore

~~The Dy. Commr. Bangalore~~

The I. G. of Police in Mysore

The State Geologist & Secy to Govt. in the Geological Department.

The Registrar Chief Court for information.

Despatched 19.10.06

Encl 6 SP

3 Copies 2 Fair Draft

Police **File No.** 175

Serial No 7

Diary No. of letter replied to _____

No. 914 Ec.1
Bol 175-05-7
dt 20/10/06

General and Rev. Secretariat
( )
, *the* 190 .

To

The Geological Secretary
The I. G. of Police in Mysore
The Dy. Comr. of Kolar
The President of the Kolar Mining Board.

Date of issue 20/10/06

Signed by Mor. K. Matthai

Sir,

In forwarding herewith a copy of letter no. 189 dated the 8th August 1906, from the Agricultural Chemist to Govt. ~~and of its enclosure~~ regarding the Chemical analysis of gold in criminal cases, I am directed to request you to be so good as to ~~Govt~~ Government your opinion over. & return the ~~Govt~~ Police, Mysore & the Kolar Goldfields Mining Board

SUBJECT.

whether, in view of the judgment of the Madras High Court regarding the evidential value of results of gold analyses, there is any use in undertaking such analyses until, as suggested by Dr. Lehmann, the mining companies take steps to distinctly mark Kolar gold by the introduction of a new metal in the process of extraction. The matter may be dealt with in the Provincial letter.

I have &c

Secretary

5/9

List of enclosure.

Copied by M. 18.10.04

Examined by SV

19/10/04

MGCPB—20,000-19-12—04.

C 3 Stamps 23
Fair Draft

G.R.S. 28]

Police File No. 175
Serial No. 8

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, the 190

Date of issue 20-10-1906.

Signed by Mr. R. Mathan

READ.—

Letter no. 189 dated the 8th August 1906 from the Agricultural Chemist in Mysore, forwarding a copy of the judgment of the Madras High Court in

~~ORDER THEREON.—No.~~

Criminal Appeal no. 414 of 1905 in connection with a case of alleged receiving of stolen property viz., gold stolen from the Kolar Gold Fields

Order thereon no.

No. 915-925/Police 175-05-8. *over*

SUBJECT

dt 20/10/06.

24 No. 915 - 925 / Police 175-25-8

Ordered that the judgment dt 20/10/06.
of the Madras High Court
referred to in the letter
read above be printed & Communicated
~~published~~ to
~~for the information~~ of all
Magistrates and Police
officers for information.

Secretary.

Judgment

[Print enclosure to
paper under disposal]

To

All Dt. Magistrates

The D.I.G. of Police in Mysore

The State Geologist

The Registrar of the Chief Court.

Despatched 14.10.06

Received 16/10/06